

**REMARKS**

This Amendment is being filed along with a Request for Continued Examination (RCE) to place the application in condition for allowance.

In the Final Office Action mailed December 22, 2005, the Examiner rejected claims 9-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,617,750 to Garehime, Jr. ("Garehime") in view of WO 94/20809 issued to O'Dwyer.

Claims 9-21 are currently pending in this application. By this Amendment, Applicant amends claims 9, 11, and 13-17 to overcome the Examiner's rejection. Amended claim 9 recites, among other things, "a sensor system configured to detect an intrusion in one or more of a plurality of fixed target zones within the predetermined land area" (emphasis added). Amended claim 9 further recites "at least one weapon having multiple barrels that are trained on the predetermined land area" and "a firing controller programmed to receive signals from the sensor system" to trigger the weapon "so that projectiles are fired into one or more of the plurality of fixed target zones within the predetermined land area" (emphasis added). Support for the amendments to claim 9 may be found, for example, in the specification at page 4, lines 12-17 and in Figs. 1 and 2. Thus, no new matter is added by this Amendment. Further, Applicant points out that the term "trained on," as used in amended claim 9, does not require the multiple barrels to be directly aimed at the predetermined land area, such that the predetermined land area is within the sight lines of the barrels. Instead, having multiple barrels "trained on" the predetermined land area means that the projectiles fired from those barrels will impact the predetermined land area, taking into account variable trajectories.

Applicant respectfully traverses the Examiner's rejection of claims 9-21 as obvious over Garehime in view of O'Dwyer. Applicant further submits that the Examiner has not met the Office's burden to establish a prima facie case of obviousness. To establish a prima facie case of obviousness the Examiner must show, that (1) there is some suggestion or motivation to combine the references' teachings, (2) that there is some reasonable expectation of success for the proposed combination, and (3) that the prior art teaches or suggests all of the claim limitations. (M.P.E.P. §§2143.01 - 2143.03.) (Emphasis added.)

The Examiner has not provided any evidence why amended claim 9 would have been obvious over Garehime in view of O'Dwyer. Moreover, the combination of Garehime and O'Dwyer fails to teach or suggest all of the limitations of amended claim 9. The Examiner contends that Garehime "discloses a defense system for an area comprising: at least one optics sensor 128; multiple barrel gun 126; a firing controller (the operator); and video console 26." (Office Action at 2.) Garehime does not disclose "a sensor system configured to detect an intrusion in one or more of a plurality of fixed target zones within the predetermined land area," (emphasis added) as recited in amended claim 9. In fact Garehime fails to teach or disclose a defense system that senses intrusions within a "predetermined land area." Garehime does disclose a weapon-optics combination capable of being "remotely driven so as to track a criminal subject without the subject being aware of either the presence or the positioning of the weapon-optics combination." (Col. 4, lines 28-32) (Emphasis added). Garehime further discloses a system that "include[s] audio monitoring so that the controller can hear what the observed subject is saying, and thereby know better what he is doing or is about to

do.” (Col. 6, lines 36-38.) These passages in Garehime identify the intent of the Garehime invention to focus on a mobile, not fixed, subject, and indicates that Garehime does not teach sensing an intrusion within a “predetermined land area” and clearly fails to teach the sensing of an intrusion within a “plurality of fixed target zones” within that predetermined land area, as recited in amended claim 9. Moreover, Garehime teaches a system that fires a projectile at a “criminal subject” and not “into one or more of the plurality of fixed target zones within the predetermined land area in which the intrusion is detected,” as recited in amended claim 9.

Garehime similarly fails to teach a defense system having “a firing controller programmed to receive signals from the sensor system, automatically aim, and trigger the weapon so that projectiles are fired into one or more of the plurality of fixed target zones within the predetermined land area in which the intrusion is detected.” (emphasis added), as recited in amended claim 9. Even the Examiner suggests that the firing controller taught by Garehime is “the operator.” (Office Action at 2.) The Examiner has not suggested that Garehime teaches a “firing controller programmed to receive signals from the sensor system, automatically aim, and trigger the weapon” (emphasis added), as recited in amended claim 9. In fact, Garehime discloses “automatic positioning control...so that the mobile unit can be automatically moved to a position proximate a particular seat,” however, this system must “then [be] manually controlled at that point.” (Col. 6, lines 62-68.) Thus, Garehime does not teach a “firing controller” capable of receiving signals, automatically aiming, and triggering a weapon.

Applicant submits that O'Dwyer fails to cure the deficiencies of Garehime explained above. Thus, for at least the above reasons, amended claim 9 is not obvious

over Garehime in view of O'Dwyer and is allowable over the applied references.

Accordingly, dependent claims 10-21 are allowable at least due to their dependence from allowable amended claim 9.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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